

### **REMARKS**

This application was originally filed with Claims 1-34. Claims 1-34 are now pending in the application; and Claims 19-34 are withdrawn from consideration in response to a restriction requirement.

In the Office Action, Claims 1-9 and 13-17 are rejected; and Claims 10-12 and 18 are objected to.

### **RE-CONSIDERATION OF WITHDRAWN CLAIMS 19-28**

The prior restriction requirement stated that Claims 1-18 are classified in Class 429 and withdrawn Claims 19-28 are also classified in Class 429. The results of the search produced applied references in Class 429 encompassing both method and apparatus pertaining to this technology. Therefore, it is respectfully submitted that no undue burden is placed on the consideration of at least withdrawn Claims 19-28. An indication of allowability for Claims 19-28 is respectfully requested on the basis of allowability of the examined Claims 1-18 as discussed below.

### **CLAIM OBJECTIONS**

Claims 1-7 are objected to because of certain informalities. It was noted that the preamble of Claims 2-7 require further clarification for enhanced consistency with Claim 1 from which they depend.

Examiner's suggestion is appreciated and has been implemented with this present response.

## **REJECTION UNDER 35 U.S.C. § 103**

### **Item 1, Page 2 of Office Action:**

Claims 1-2, 8 and 13-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettit et al. (U.S. Pat. No. 6,485,853) in view of Okamoto et al. (U.S. Pat. No. 6,582,841).

### **Item 2, Page 4 of Office Action:**

Claims 3, 9 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettit et al. in view of Okamoto et al. as applied to Claims 2 and 8 above, and further in view of Keskula (U.S. Pat. No. 6,159,626).

### **Item 3, Page 4 of Office Action:**

Claims 4-6 and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettit et al. in view of Borup et al. (U.S. Pat. No. 6,521,204).

### **Item 4, Page 6 of Office Action:**

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettit et al. in view of Borup et al., and further in view of Brooks et al. (U.S. Pat. No. 6,716,400).

### **Discussion and Argument:**

Each of the aforesaid bases of rejection is founded on 35 U.S.C. § 103(a) and each of the bases of rejection includes one or more of the following commonly-owned issued patents, which qualify as prior art only under §102(e):

- Pettit et al. (U.S. Pat. No. 6,485,853);
- Keskula (U.S. Pat. No. 6,159,626); and
- Borup et al. (U.S. Pat. No. 6,521,204).

Under 35 U.S.C. § 103(c), it is stated that:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. (Revised 11/29/99)

The Assignment in the present application is to General Motors Corporation. Each of the aforesaid references is owned by the present assignee, General Motors Corporation.

On the basis of the § 103(c) exception, it is respectfully submitted that all rejections under § 103(a) be withdrawn and early allowance of allowable subject matter as defined therein is earnestly requested.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that Claims 10-12 and 18 would be allowable if rewritten in independent form. However, in view of the exception under 35 U.S.C. § 103 (c), it is respectfully submitted that all examined claims, 1-18, are allowable.

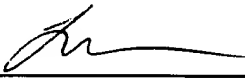
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 13 August 04

By:   
Linda M. Deschere  
Reg. No. 34,811

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

LDES/lf-s

G:\ldescher\8540G (GM)\000080\OA due 08-20-04\Amendment.doc